

REMARKS

In response to the Notice of Non-Compliant Amendment applicant has corrected the status indicator for claims 5 and 6 to show that they are canceled. At the same time, applicant has further amended claim 11 to correct its dependency. This amendment is now in form to be considered and claims 4 and 7-14 of this application allowed.

Claims 4-7 and 11 stand rejected under 35 USC 101 because, according to the Examiner, “the claim language ‘shaped into a form’ (claim 4, line 2) is broad enough to encompass the *natural shape of the coral skeletons . . .*”

Applicant’s representative Mr. Bockman spoke with Examiner David Willse concerning this pending rejection. At that time, the Examiner stated that Mr. Bockman should speak to his supervisor Corrine McDermott concerning amendments that may overcome this rejection. Ms. McDermott then referred Mr. Bockman to Tom Hughes, a Quality Assurance Manager handling this application. Mr. Hughes said that the claimed shaped product or structure should be amended to specify a particular man made shape and suggested amending claim 4 to include the limitations specified in claim 6. In accordance with Mr. Hughes’ suggestion, claim 4 has been amended to include limitations previously specified in claims 5 and 6. Since natural coral is not naturally configured into “cylinder, sleeve, pin, screw, bolt, nut, spacer, or flat or curved plate hardware item” forms for medical use as claimed, the rejection of claim 4 should be withdrawn. The rejection of claims 7 and 11, which depend from claim 4, should be withdrawn for at least the same reason.

New claim 14 has been added. New claim 14 includes all of the limitations of previously presented claims 4 and 8. Since claim 8 was not rejected under 35 USC 101, new claim 14 should be allowed.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions

for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. **229752001000**.

Respectfully submitted,



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